

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

COLETTE MARIE WILCOX,)
Plaintiff,)
v.) Case No. 7:17CV00530
NATHAN H. LYONS, ESQ., *et al.*,)
Defendants.)

MOTION FOR LEAVE
TO FILE AMENDED COMPLAINT

COMES NOW, Plaintiff Colette Marie Wilcox, by counsel, pursuant to Federal Rule of Civil Procedure 15, and moves this Court for leave to file an Amended Complaint. The Amended Complaint has been appended to this pleading and made part hereof as **EXHIBIT A**.

The Amended Complaint does not include the original Count III (hostile work environment) nor Count I (sex discrimination). The Amended Complaint advances the original Count of retaliation, a Count of deprivation of a liberty interest, and the original Count of battery. The only altered Count in the Amended Complaint is the Count regarding a deprivation of liberty interest which provides further factual basis for that Count.

The Count of retaliation in the Amended Complaint is unchanged from the prior allegations contained within the original filed Complaint. As detailed in the contemporaneously filed Motion to Reconsider and supporting Brief, Plaintiff contends no new factual allegations need be advanced for the survival of the Count of retaliation due to the numerous cases on the subject of temporal proximity establishing a firm

framework for a *prima facie* case.

WHEREFORE the Plaintiff, by counsel, moves this Court for the following relief:

- a) That the Court grant this Motion and permit the filing of the Amended Complaint for reasons provided in the accompanying supportive Brief.

Respectfully Submitted,

COLETTE MARIE WILCOX

/s/ Thomas E. Strelka

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on the 5th day of April, 2018, I served the forgoing Motion to Amend Complaint and Brief in Support of said Motion, via the Court's CM/ECF system, with notice of electronic filing (NEF) on the following:

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/s/ Thomas Strelka